

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD J. HILL,)	
)	Case No. 2:19-cv-159-HYJ-MV
Plaintiff,)	
)	U.S. District Judge:
v.)	Hon. Hala Y. Jarbou
)	
JUSTIN WONCH,)	U.S. Magistrate Judge:
)	Hon. Maarten Vermaat
Defendant.)	

PLAINTIFF'S PROPOSED VOIR DIRE

- Have you or anyone close to you ever been employed in any capacity by any law enforcement agency?
 - (ask to explain relationship and nature of law enforcement position)
 - Have any complaints been filed against (you/them/him/her) for excessive force?
- What kinds of contacts have you had with police officers?
 - What kinds of problems do you have with the idea of an ordinary citizen suing a police officer because of actions he claims he took in the line of duty?
 - Some people think that even though police make mistakes and use more force than necessary, that is the price we have to pay for police protection. What is your opinion on that?
 - Many people feel that police testimony should be given greater weight than the testimony of an ordinary citizen. How many of you feel that way? Why is that?
 - What are your feelings about how police misconduct should be handled?
 - Do you feel that the hands of police have been tied by court decisions? What kinds of things come to mind?
- If a police officer decides to arrest someone because he believes a crime has been committed, does anyone have any feelings about the officer's use of force?

- If someone is arrested because of a suspected crime, do you think that the arresting officer can use any amount of force necessary to complete the arrest?
 - Do you think there should be limits to the amount of force used? What limits?
- How many of you have recently seen slogans such as “back the blue,” or “support the police?” E.g., blue line flag.
 - To juror(s) indicating agreement:
 - How do you identify with those kinds of slogans?
 - What do you think they mean?
 - I am glad you discussed that with all of us here today. Thank you. Does anyone else identify with these kinds of slogans or sentiments?
 - How do you identify with those kinds of slogans?
 - What do you think they mean?
 - The court will be instructing you on the law in this case—that if you find that the Plaintiff’s constitutional rights were violated, that you as jurors should compensate him.
 - Even with the Court’s instructions on the issue, would your sentiments toward law enforcement affect your ability to be fair and impartial in this case?
- Does anyone have any feelings about lawsuits?
 - Do you think there are too many lawsuits? People are awarded too much money? What are your feelings on that?
 - Here, I am going to be asking you to compensate my client with a significant amount of money for his damages. Do any of you have a problem with that? Do any of you have a problem with awarding money for someone’s injuries?
 - Has anyone heard about people being awarded money for their pain and suffering? Does anyone have a problem with the concept of awarding money for pain and suffering? Please describe.
 - Have you heard about frivolous lawsuits in the news or from others? What have you heard? What are your thoughts and feelings on that?

- Have any of you heard about a frivolous defense? What have you heard? What are your thoughts and feelings on that?
- Here, the Plaintiff must prove his case by what we call a preponderance of the evidence. The Court will provide you an instruction on this standard, but it means something must be more likely to be true than not, or more likely than not. This means that Plaintiff must prove his case by any amount greater than 50%—if the scale tips even slightly to Plaintiff's favor, you must find for Plaintiff and award damages.
 - Does it concern or bother anyone that Plaintiff only need to prove his case with preponderance, or the more likely than not burden of proof?
 - What is it about that burden of proof that gives you cause for concern?
 - Thank you for expressing that concern. Does anyone else feel that way?
 - When the Court reads its instructions, it will instruct you on the law and that you must consider Plaintiff's claims using the preponderance of the evidence burden of proof. Will your concern still remain even after the Court instructs you?
- Needless to say, Plaintiff anticipates asking additional questions based upon juror history questionnaires, once received as well as juror responses to voir dire questions.

Respectfully submitted,

Numinen, DeForge & Toutant, P.C.

s/ Phillip B. Toutant

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